III. REMARKS

The independent claims have been amended to recite that an (IP) mobility agent or a router is arranged to collect network element attribute information from one or more other network elements and send such information in advertising messages to IP mobile nodes. These amendments are supported by the paragraph [0041].

Claims 1,2,5-7,9-17 and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perkins in view of Feder.

Perkins cannot be properly combined with Feder since in order to so combine them, the combined technologies should relate to the same (Mobile IP) technology in order to show appropriate motivation to combine, see In re Bigio, 72 USPQ2d 1209, 1212. Further, there should be at least some specific indication towards Mobile IP also in Feder in order to have the motivation to modify in a straightforward manner the system of Perkins by the features of Feder not related to Mobile IP. The prior art does not suggest the desirability of the claimed invention. Also, the modification would change the principle of operation in Feder since the principle is to select the access point as a function of at least one signal measurement and the load level (col. 2, ll. 40-49). Instead, the present invention is related to selection of a network element based on IP layer level communication, and in particular on the basis of attributes in Mobile IP protocol advertising messages, i.e., very different technology as compared to physical layer signal measurements and beacon signals of Feder. Where the principle of operation of a reference is changed, the modification is improper, see In re Ratti, 123 USPQ 349,352; MPEP 2143.02, section VI.

However, even if the references are combined, the combination would fail to disclose all features in the amended independent claims.

In particular, Perkins describes the IP mobility support and defines protocol extension for mobility agent advertisement. However, Perkins is limited to teaching that the advertisement message is applied by a mobility agent (a foreign agent or a home agent) to advertise its *presence*, see, e.g., p. 8, ll.16. Instead, according to the present invention as now recited in the claims, a mobility agent is arranged to collect network element attribute information from other network elements. In one embodiment, the mobility agent is arranged to establish a data transfer connection with a network element concerned and request attribute information from the network element. On the basis of the received attribute information the mobility agent may generate the advertising message, for instance, by including the attribute information in a specific attribute information field in the mobility agent advertisement extension. There is not even a hint in Perkins towards collecting from other network elements information on attributes of one or more network elements by a mobility agent. Further, there is no indication towards including such information from other network elements in advertisement messages to mobile nodes, or using such information in mobile nodes to select a serving network element. Perkins describes IP mobility support for IP version 4, and there is no indication towards applying the functionality of the present invention in routers and arrange routers to transmit attribute information of other network elements to mobile nodes in advertising messages.

Feder describes a mobile terminal that receives access point specific information from different access points to describe the radio link quality offered by a particular access point. The mobile terminal uses this link quality information to select an access point. Feder fails to give any indication on a third entity, more specifically, a mobility agent or a router, collecting network element attribute information from other network elements. Further, there is no indication towards including such collected information in advertising messages for mobile nodes. Feder is limited to teaching that a mobile terminal itself collects access point specific information from access point specific messages, and provides no information on IP mobility.

Hence, since Feder fails to teach the features missing from Perkins, the combination fails to suggest the invention set forth in the new independent claims, in particular the collection of information on attributes of one or more network elements by a mobility agent or a router from other network elements and inclusion of such information in advertising messages.

Additionally, the combination in general fails to teach using the attribute information on other network elements in a mobile node supporting mobile IP as recited in the independent claims. Perkins merely mentions the Busy bit and gives no description on how to arrange selection of a network element on the basis of advertisement message in case there are multiple network elements available. The skilled person would not be able develop a network element selection system applying the attributes in the present independent claims on the basis of the access point selection method of Feder. The method of Feder is technically very different from application of Mobile IP level advertising

messages (as extensions to Internet Control Protocol Message Protocol ICMP). In Feder, load information is included in low-level radio frequency (RF) beacon signals, i.e., on local radio channel specific frames; see col. 6, ll. 9-10. As already mentioned, a modification towards arranging network element selection based on IP level communication would be against the principle of operation in Feder and also for this reason the skilled person could not arrive at the present independent claims by combining the cited references.

Hence, even when combined, the prior art fails to teach all claim elements of the current independent claims.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of $1,090 for the additional claims and "RCE" fee. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

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Feb 3, 2006

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